

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSEPH PECKTAL

Plaintiff,

VS.

**HARTFORD LIFE AND
ACCIDENT INSURANCE CO.**

Defendant

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**CIVIL ACTION NO: 4:2014-CV-
01006**

PLAINTIFF'S FIRST AMENDED COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Plaintiff, JOSEPH PECKTAL, complaining of the Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE CO., who for cause of action, would respectfully show unto the Court and Jury the following:

1. Plaintiff suffered a stroke that has caused him to suffer from diabetes, hypertension, hyperlipidemia, and depression, among other illness that qualify him for disability. On or about October 24, 2012, Plaintiff's claim for LTD benefits was approved by the Defendant.
2. After approving Plaintiff's claim for LTD benefits, the Defendant paid some benefits and then unilaterally stopped making payments.
3. Plaintiff brings this action under the Employee Retirement Income Security Act, 29 U.S.C. § 101, et seq., ERISA. Plaintiff sues under Section

502(a)(1)(B) of ERISA as a participant under this ERISA plan for contractual benefits rights. Plaintiff would show that he was refused services and benefits for which membership in the plan entitled him as beneficiary.

4. Plaintiff further brings suit under the provisions of Section 502(a)(2) of ERISA for breach of the fiduciary duty owed to him by the Defendant.
5. Plaintiff further brings suit under the provisions of Section 502(g)(1) and would ask for reasonable attorney fees for having to bring this action.
6. Plaintiff further brings suit under the provisions of Section 502(c) of ERISA for the penalties provided to him under ERISA.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that that upon trial hereof, Plaintiff have judgment over and against Defendant for the full amount of his damages, together with together interest, both pre-judgment and post-judgment, together with additional damages, attorneys' fees and such other and further relief, special and general, at law and in equity, to which he may be entitled.

Respectfully submitted,

/s/ Lennon C. Wright
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record pursuant to the Federal Rules of Civil Procedure on this day, October 30th 2014.

/s/ Lennon C. Wright
Lennon C. Wright